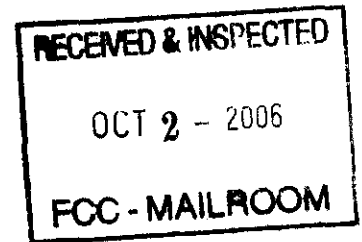


CGB-CC-0599



Office of the Secretary

Federal Communications Commission

Attention: CGB Room 3-B431

445 12th Street SW
Washington, DC 20554

Petition for Exemption from Closed Captioning Requirements

Introduction

Premier Home Show is an independent real estate home show. Adding Closed Captioning at this point would be devastating to our business because it would represent a 42% cost increase. This would use up almost all of the profits that we currently receive, even with the most generous of estimates.

Premier Home Show is locally produced by Kevin Mellenburg and features homes from Premier Realtors. Each episode is 30 minutes long and the show airs once a week for two weeks. Thus we produce about two new shows per month. It airs at 10:30AM each Sunday on our local FOX affiliate (WXTX).

For the reasons set forth below, Premier Home Show hereby requests an undue burden exemption from the closed captioning rules for Premier Home Show, pursuant to § 79.1 (f) of the Commission's rules.

Nature and Cost of Closed Captions

I was contacted by my FOX representative a few weeks ago about this Closed Captioning issue. I've looked into several options. The best estimate for adding closed captioning to my show that I have received is from Video Captioning Corporation for \$190 per show. I received an additional estimate at \$200 per episode. My FOX representative got another estimate for \$337 per show. In each case I would have to ship the show out a week in advance in order to make this happen which would make the show less timely.

Another option is to purchase equipment to do close captioning for my show at a cost of approximately \$6000 but I don't feel like that would be a wise purchase at this time as the show is a brand new venture for my company.

I have also considered an alternative to Closed Captioning. This show is really self explanatory by looking at the pictures of the homes on the screen. In addition, each real estate agent's name and phone number appear on-screen during their entire ad. I also

would be willing to put the basic details and price of the house on the screen if that would be sufficient for an exemption.

Impact of the Operation of Program Provider

The producer's cost to produce this show is as minimal as possible because I do all of the production myself. He has purchased some equipment (\$3475) and he travels to take pictures. Even if we completely ignore those costs, our profit is minimal. The airtime costs me \$200 each week. Each realtor contributes \$25 for two weeks. For the entire year our average gross income was about \$600 per two weeks. Using that figure, if you subtract our the \$400 for airtime (2 weeks at \$200 per week), my net on average for the last year was \$200 per two weeks (per episode). Even on our best two weeks my net would only be \$500 (\$900 minus \$400 for airtime). Using the lowest Closed Captioning estimate at \$190 per episode, that would take my profit on our best two weeks of the year at \$260 (42% decrease). On our average two week period we would have actually lost money (\$600 minus \$450 for airtime, minus \$190 for Closed Captioning equals -\$40). Essentially it would be almost a 50% increase in total cost to do business (current \$450 per two weeks, with closed captioning cost \$640). I have attached my full financial documents (weekly income statement, profit and loss statement, and airtime cost statement) so that you can look at each week and see what we grossed per two weeks.

Type of Operations of the Program Provider

This business is for-profit. Unlike a real-estate television show done by a company like Coldwell Banker of Re/Max where there is the hidden benefit of name recognition and community awareness, we have nothing to gain in that way. We are not affiliated with that type of organization and are completely independent.

Other Factors

Petitioner believes that the local, non-news exemption to the closed captioning rules also applies to Premier Home Show. As noted above, the program is produced and distributed locally, and is of primarily local public interest. The episodes are not news, they do not have repeat value (the houses will be sold), and the electronic newsroom technique is not available. Notwithstanding the applicability for the exemption, we have filed this petition in an abundance of caution and for the purpose of establishing certainty.

Conclusion


As shown by the Petition and its attachments, the Commission should grant a waiver of the closed captioning requirements in this case, because requiring closed captioning would create an undue burden. The costs of captioning would be excessively high and would have a significant impact on Petitioner's operations. The Petitioner's type of operations and financial resources are different in kind and magnitude from a mainstream programming provider. Because of the significant difficulty and expense of providing

closed captions, a waiver under § 79.1 (f) is warranted. If more information is needed, please contact me at the address provided below.

Respectfully submitted,

Premier Home Show

By: Shep Mullin

A handwritten signature in black ink, appearing to read "Shep Mullin". The signature is written in a cursive, flowing style with a large initial "S" and a prominent "M".

CLOSED CAPTION MAKER

(Formally of Portsmouth, NH)

822 Guilford Avenue #148 • Baltimore, MD 21202

E-mail: wGallant@CCmaker.com • Web Site:

www.CCmaker.com

1-800-527-0551

You produce the video,
we add the closed-captions ...

**FCC Requires 100% captioning starting
1/1/06.**

We sell an entry level line-21 closed-captioning system.

See details below, system is called
ADDrollupCC.

Not going to make the Jan 1st deadline for adding closed-captioning?

We'll do it for you, half-hour program is \$200 (includes transcribing, tape, shipping). We can do it for this low price because we are using **ADDrollupCC** and it doesn't take very long to do it.

Here's the math: It will cost us \$30 to get it typed, it will take two hours of production time to put the script and video together using **ADDrollupCC**, and \$15 for Fedex to get it back to you.

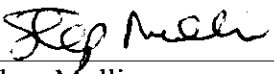
Turnaround will be about three days.

Premier Realtors
Shep Mullin
3600 Edgewood Road
Columbus, Ga 31907
706-576-2400

Exhibits checklist

1] Declaration,

I, Shep Mullin, being the owner of Premier Home Show have reviewed the Petition for Exemption for Closed Caption Regulations. I believe the statements regarding the home show to be true.



Shep Mullin

Date: 9/29/06

2] Schedule

The show airs weekly from 10:30 am to 11:00 am Sunday mornings on WXTX Fox 54 in Columbus, Ga. Except when preempted by national broadcasts.

3] Financial documentation

see attached estimate